
OLR Bill Analysis

SB 55 (File 105, as amended by Senate "A")*

AN ACT CONCERNING COMPLAINTS THAT ALLEGE MISCONDUCT BY LAW ENFORCEMENT AGENCY PERSONNEL.

SUMMARY:

This bill requires the Police Officer Standards and Training Council (POST) to develop and implement a written policy for the State Police and municipal police departments (collectively, "law enforcement agencies") on accepting, processing, and investigating public complaints against them alleging misconduct. POST must do so by July 1, 2015. The bill specifies several factors that POST must consider in developing the policy.

Under the bill, once POST implements its complaint policy, each law enforcement agency must either adopt it or develop and implement its own policy, in consultation with a representative of a union that represents the agency's members. If a law enforcement agency chooses to develop its own policy, the policy must (1) address the issues that POST must consider in developing its policy and (2) exceed the standards of POST's policy. Each agency must make the policy it will use available to the public.

*Senate Amendment "A" adds the requirement that law enforcement agencies consult with a union representative when adopting POST's policy or developing and implementing their own policies.

EFFECTIVE DATE: July 1, 2014

POST POLICY FOR COMPLAINTS AGAINST POLICE

The bill requires POST, in developing the complaint policy for law enforcement agencies, to consider:

1. whether all of an agency's sworn officers and civilian employees

must be required to accept complaints alleging misconduct by its law enforcement personnel;

2. the means or processes for accepting public complaints, including those that are anonymous or made on behalf of someone else;
3. the need to require a complainant's sworn statement;
4. protections for a complainant who fears retaliation for filing a complaint;
5. using a standardized form to record complaints;
6. permissible timeframes for complaint filing;
7. protocols to investigate complaints;
8. documentation requirements for complaint receipt and disposition; and
9. the process for informing a known complainant about his or her complaint's disposition.

POSTING OF COMPLAINT POLICIES

The bill requires each law enforcement agency, after adopting POST's policy or implementing its own, to make the policy available to the public. The agency must make the policy available (1) at the town hall or another municipal building in the municipality, other than a building where the agency is located, and (2) on the agency's or municipality's website.

BACKGROUND

Police Officer Standards and Training Council

POST (1) trains, certifies, and establishes minimum qualifications for municipal police officers and (2) enforces professional standards for certifying and decertifying them.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 41 Nay 1 (03/10/2014)

Public Safety and Security Committee

Joint Favorable

Yea 22 Nay 0 (04/15/2014)

Appropriations Committee

Joint Favorable

Yea 48 Nay 0 (04/22/2014)